

# FISCAL NOTE

## SB 2128 - HB 2362

March 21, 2004

**SUMMARY OF BILL:** Creates exceptions to provisions applicable to the issuance of criminal arrest warrants and criminal summons. The exceptions would allow a magistrate to issue an arrest warrant rather than a criminal summons when the affiant is not a law enforcement officer if the offense involves:

- worthless checks;
- theft of property;
- theft of property from a retail merchant.

Current law, which became effective January 1, 2004, provides that unless a law enforcement officer is an affiant or co-affiant in the complaint before the magistrate, the magistrate is required to issue a criminal summons rather than a criminal arrest warrant. A warrant for arrest may be issued rather than a criminal summons if the magistrate believes it is necessary to prevent an immediate threat of imminent harm to a victim of domestic violence.

### ESTIMATED FISCAL IMPACT:

#### **Increase Local Govt. Expenditures\* - Exceeds \$100,000**

Estimate assumes:

- Provisions of the bill will significantly increase the issuance of arrest warrants rather than criminal summons.
- An increase in local government expenditures to take arrestees into custody, processing and holding in jail until a determination is made for release from custody.

*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

### CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director